

**ORDINANCE NO. 2524**

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE LAND DEVELOPMENT CODE OF GILBERT, ARIZONA, CHAPTER I ZONING REGULATIONS, DIVISION 4 GENERAL REGULATIONS, ARTICLE 4.5 SUPPLEMENTAL USE REGULATIONS, SECTION 4.5013 TEMPORARY STRUCTURES, RELATED TO STORAGE CONTAINERS IN EMPLOYMENT AND PUBLIC FACILITY/INSTITUTIONAL ZONES; CHAPTER I ZONING REGULATIONS, DIVISION 2 LAND USE DESIGNATIONS, ARTICLE 2.6 EMPLOYMENT DISTRICTS, SECTION 2.605 ADDITIONAL DEVELOPMENT REGULATIONS, RELATED TO REGULATION OF METAL BUILDINGS IN EMPLOYMENT ZONES; CHAPTER I ZONING REGULATIONS, DIVISION 4 GENERAL REGULATIONS, ARTICLE 4.5 SUPPLEMENTAL USE REGULATIONS, SECTION 4.5016 MISCELLANEOUS PROVISIONS, RELATED TO FACILITY MANAGER DWELLINGS IN CERTAIN NON-RESIDENTIAL ZONES AND GATEHOUSES; CHAPTER I ZONING REGULATIONS, DIVISION 5 ADMINISTRATION, ARTICLE 5.6 DESIGN REVIEW, SECTION 5.602 PROCEDURES AND RESPONSIBILITIES, RELATED TO ADMINISTRATIVE DESIGN REVIEW FOR BUILDING EXPANSION; GLOSSARY OF GENERAL TERMS, RELATED TO THE DEFINITIONS OF FACILITY MANAGER DWELLING UNIT AND GATEHOUSES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, Gilbert strives to foster and maintain the qualities of a safe, healthy, clean, attractive and family-oriented community; and

WHEREAS, various employment and public uses are able to provide open storage activities more safely and attractively through the utilization of containers; and

WHEREAS, various employment uses are able to utilize metal buildings and that utilization provides for more efficient use of building materials without detriment to building attractiveness; and

WHEREAS, the operation of certain non-residential uses requires a continuous on-site presence and that requirement can be efficiently addressed through an on-site facility manager dwelling unit; and

WHEREAS, gatehouses are a common aesthetic, access and safety feature of both residential and non-residential development and such facilities are desired by the community; and

WHEREAS, the ability of administrative of design review to achieve desired community design outcomes has been well demonstrated with regard to the expansion or new development of relatively small buildings within a previously approved site plan; and

WHEREAS, the Council has determined that the Land Development Code can more effectively and clearly address regulation and design of tertiary site features like storage containers, metal building systems, facility manager dwellings, gatehouses and administrative design of certain types of buildings; and

WHEREAS, the Council has determined that the proposed Land Development Code text amendment will provide for the efficient regulation of storage containers, metal building systems, facility manager dwellings, gatehouses and administrative design of certain types of buildings, and it is in the best interest of the public health, safety and general welfare of the Town to adopt the proposed text amendment; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

Chapter 1 Zoning Regulations, Division 4 General Regulations, Article 4.5 Supplemental Use Regulations, Section 4.5013 Temporary Structures, Subsection C Storage Containers (additions in ALL CAPS UNDERLINE; deletions in ~~strikeout~~):

**4.5013 Temporary Structures**

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- C. ***Storage Containers.*** Temporary storage containers on residential property are permitted only for the purpose of storage of household goods or personal items. Temporary storage containers on commercial and employment properties are permitted only for the purpose of storage of equipment, supplies, merchandise, or similar materials:

1. *Standards.* Temporary storage containers shall comply with the following standards:
  - a. Zoning Districts. Limited to Single-Family Residential districts, Community Commercial, Shopping Center, General and Regional Commercial districts, ~~and~~ Light and General Industrial districts, AND PUBLIC FACILITY/ INSTITUTIONAL DISTRICTS.
  - b. Location. Placed on a driveway or additional parking space as permitted in Section 4.203X on a developed residential lot or parcel; or placed outside the area located between the building and any street in applicable Commercial and Employment districts.
  - c. Size. No greater than 160 sq. ft. total on a developed residential lot or parcel. No greater than 320 sq. ft. total in applicable Commercial, ~~or~~ Employment OR PUBLIC FACILITY/ INSTITUTIONAL districts. WITHIN THE LIGHT INDUSTRIAL, GENERAL INDUSTRIAL AND PUBLIC FACILITY/ INSTITUTIONAL DISTRICTS, THE TOTAL AREA MAY BE INCREASED WITH DESIGN REVIEW APPROVAL AND A STORAGE CONTAINER MASTER SITE BUILDING PERMIT.
  - d. Time Duration. During construction on a lot or parcel pursuant to a valid building permit; or for no longer than 30 days within a 6 month period on a developed residential lot or parcel; or for no longer than 90 days in a 12 month period in applicable Commercial, ~~or~~ Employment OR PUBLIC FACILITY/ INSTITUTIONAL districts. a Commercial or Employment district.
2. In Light and General Industrial and in the Public Facility/Institutional districts, storage containers are permitted for an indefinite period of time subject to Design Review approval.
3. Temporary storage containers shall not be located in landscape areas, retention basins, travel ways and drive aisles, fire lanes, required parking spaces, sidewalks, loading zones, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and developments.
4. TEMPORARY STORAGE CONTAINERS SERVED BY UTILITIES, LARGER THAN 160 SQUARE FEET OR PROVIDING ANY FUNCTION OTHER THAN STORAGE REQUIRE BUILDING PERMIT REVIEW. A CONTAINER REQUIRING A CERTIFICATE

OF OCCUPANCY, A CONTAINER THAT IS ACCESSIBLE TO THE PUBLIC OR THAT IS HABITABLE IS REGULATED AS A STRUCTURE.

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Chapter 1 Zoning Regulations, Division 2 Land Use Designations, Article 2.6 Employment Districts, Section 2.605 Additional Development Regulations, Subsection B Metal Buildings and Building Materials (additions in ALL CAPS UNDERLINE; deletions in ~~strikeout~~):

#### **2.605 Additional Development Regulations**

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**B.** ~~*Metal Buildings and Building Materials.*~~ Pre-manufactured metal buildings are prohibited. Architect designed metal buildings or building elements may be permitted by the Design Review Board.

**CB.** *Service Bay Doors.*

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Chapter 1 Zoning Regulations, Division 4 General Regulations, Article 4.5 Supplemental Use Regulations, Section 4.5016 Miscellaneous Provisions (additions in ALL CAPS UNDERLINE; deletions in ~~strikeout~~):

#### **4.5016 Miscellaneous Provisions**

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**E.** *FACILITY MANAGER DWELLING UNIT. FACILITY MANAGER DWELLING UNITS ARE ALLOWED AS AN INCIDENTAL USE TO CERTAIN NON-RESIDENTIAL USES WHEN THE PRINCIPAL USE HAS A DEMONSTRATED NEED FOR A CONTINUOUS ON-SITE PRESENCE AND THE FACILITY MANAGER DWELLING UNIT IS DEVELOPED IN COMPLIANCE WITH THE FOLLOWING STANDARDS:*

1. *APPLICABILITY. A FACILITY MANAGER DWELLING UNIT IS A PERMITTED USE INCIDENTAL TO THE FOLLOWING COMMERCIAL, EMPLOYMENT OR PUBLIC FACILITY/INSTITUTIONAL ZONING DISTRICT PRINCIPAL USES:*
  - a. *CEMETERY*
  - b. *CONTRACTOR'S YARD*

- c. CROP AND ANIMAL RAISING, COMMERCIAL
- d. FUNERAL AND UNDERTAKING SERVICES
- e. GARDEN SUPPLY STORES AND PLANT NURSERIES
- f. MINING AND QUARRYING
- g. PLACE OF WORSHIP
- h. SALVAGE YARDS OR JUNKYARDS
- i. SCHOOLS, PUBLIC OR PRIVATE
- j. STABLES, COMMERCIAL
- k. STORAGE, PERSONAL PROPERTY

2. STANDARDS. A FACILITY MANAGER DWELLING UNIT SHALL COMPLY WITH THE FOLLOWING STANDARDS:

- a. A BUSINESS SHALL BE ALLOWED ONE FACILITY MANAGER DWELLING UNIT EXCEPT CROP AND ANIMAL RAISING, COMMERCIAL; STABLES, COMMERCIAL; AND GARDEN SUPPLY STORES AND PLANT NURSERIES MAY BE ALLOWED TWO FACILITY MANAGER DWELLING UNITS.
- b. A FACILITY MANAGER DWELLING UNIT LIVABLE AREA SHALL NOT EXCEED 2,000 SQUARE FEET.

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Glossary of General Terms, Dwelling Unit (additions in ALL CAPS UNDERLINE; deletions in ~~strikeout~~):

**Terms**

\* \* \*

**DWELLING UNIT, FACILITY MANAGER.** A DWELLING UNIT ALLOWED IN CERTAIN NON-RESIDENTIAL DISTRICTS PROVIDED THAT THE PERSON(S) OCCUPYING THE DWELLING UNIT IS AN EMPLOYEE OF THE BUSINESS WHERE THE DWELLING UNIT IS LOCATED AND THAT EMPLOYEE PROVIDES A SERVICE OR FUNCTION FOR THE BUSINESS THAT REQUIRES A CONTINUOUS ON-SITE PRESENCE (SUCH AS SITE SECURITY, ACCESS CONTROL, MAINTENANCE OR MONITORING).

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Chapter 1 Zoning Regulations, Division 4 General Regulations, Article 4.5 Supplemental Use Regulations, Section 4.5016 Miscellaneous Provisions (additions in ALL CAPS UNDERLINE; deletions in ~~strikeout~~):

#### 4.5016 Miscellaneous Provisions

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F. **GATEHOUSE.** GATEHOUSES ARE PERMITTED IN ALL ZONING DISTRICTS AS AN INCIDENTAL STRUCTURE WITH AN APPROVED SITE PLAN. A GATEHOUSE MAY NOT BE LOCATED WITHIN RETENTION BASINS, TRAVEL WAYS AND DRIVE AISLES, FIRE LANES, REQUIRED PARKING SPACES, SIDEWALKS, LOADING ZONES, OR ANY OTHER LOCATION THAT MAY CAUSE HAZARDOUS CONDITIONS, CONSTITUTE A THREAT TO PUBLIC SAFETY, OR CREATE A CONDITION DETRIMENTAL TO SURROUNDING LAND USES AND DEVELOPMENTS. THE GATEHOUSE GROSS FLOOR AREA SHALL NOT EXCEED 700 SQUARE FEET. IF THE GATEHOUSE PROVIDES SITE ACCESS CONTROL, IT MAY BE LOCATED WITHIN THE REQUIRED PERIMETER LANDSCAPE AREA

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Glossary of General Terms (additions in ALL CAPS UNDERLINE; deletions in ~~strikeout~~):

#### Terms

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**GATEHOUSE.** AN INCIDENTAL STRUCTURE PROVIDED FOR AESTHETIC ENHANCEMENT, SECURITY OR SITE ACCESS CONTROL PURPOSE.

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Chapter 1 Zoning Regulations, Division 5 Administration, Article 5.6 Design Review, Section 5.602 Procedures and Responsibilities (additions in ALL CAPS UNDERLINE; deletions in ~~strikeout~~):

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1. Scope of Administrative Design Review Authority. The Director shall conduct administrative design review of applications for:
  - a. WITHIN A PREVIOUSLY APPROVED SITE PLAN, NEW STRUCTURES OF 3,000 SQUARE FEET OR LESS, AND  
Additions of 3,000 square feet or less to an existing or approved building;

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Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties

Any person found responsible for violating the provisions set forth in this ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 5.1205 and 5.1206 of the Town of Gilbert Land Development Code. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Zoning Code or by the Town of Gilbert Municipal Court continues, shall constitute a separate civil offense.

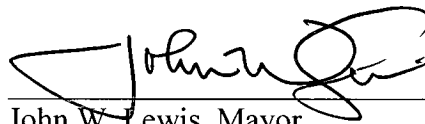
PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 5<sup>th</sup> day of March, 2015, by the following vote:

AYES: E. Cook, J. Daniels, J. Lewis, V. Petersen, B. Peterson,  
J. Taylor

NAYES: none ABSENT: J. Ray

EXCUSED: none ABSTAINED: none

APPROVED this 5<sup>TH</sup> day of MARCH, 2015.



John W. Lewis, Mayor

ATTEST:

  
Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:



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L. Michael Hamblin, Town Attorney

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2524 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 5<sup>TH</sup> DAY OF MARCH, 2015, WAS POSTED IN FOUR PLACES ON THE 12<sup>th</sup> DAY OF MARCH, 2015.

  
Catherine A. Templeton, Town Clerk